

Appl. No. 10/749,949
Amdt. Dated Oct. 31, 2006
Reply to Office Action of August 8, 2006

IN THE DRAWINGS

Figure 1 has been amended to include a "Prior Art" legend as shown in the Replacement Drawing Sheet.

REMARKS

Claims 4-51 are pending in the application. The Examiner has rejected all of the claims. Claims 10, 14, 17-18, 20, 25, 35-36, 41, 44 and 46-48 have been amended and claims 42-43 have been cancelled.

The Examiner objected to Figure 1 for failing to include a "Prior Art" legend. Applicants have amended Figure 1 to include a Prior Art legend as shown in the replacement sheet. Accordingly, Applicants respectfully request withdrawal of the objection to Figure 1.

The Examiner rejected claims 14, 18, 25, 36, 41-44 and 46 "under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention." *Office Action*, p.2. Specifically, the Examiner indicated that claim 14 was indefinite because "may' renders the claim confusing as it is unclear if the phrase following 'may' is a required limitation." *Office Action*, p. 2. Applicants have amended claim 14 to claim "first delivery means for delivering the liquid chemical from the delivery site to a target wherein the target is adapted to receive a preselected amount of the liquid chemical." Applicants respectfully submit that amended claim 14 is definite under § 112, ¶2 and request withdrawal of the rejection to claim 14.

The Examiner also asserted that claims 18, 25, 36, 41-44 and 46 are indefinite because the "claims have method of using steps in apparatus claims...[which] is an improper mixing of different categories of subject matter." *Office Action*, p. 2. Applicants have amended claims 18, 35-36, 41, 44 and 47-48 and cancelled claims 42-43 as shown in the Listing of Claims section. Applicants respectfully submit that it appears the Examiner did not mean to reject claims 25

Appl. No. 10/749,949
Amdt. Dated Oct. 31, 2006
Reply to Office Action of August 8, 2006

and 46 because these claims do not include method steps. If the Examiner disagrees, please identify the language in these claims may be indefinite. In view of the foregoing amendments and remarks, Applicants respectfully request withdrawal of the rejections to claims 14, 18, 25, 36, 41, 44 and 46.

The Examiner rejected claims 4-29 "on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-4 of U.S. Patent No. 6,675,987." *Office Action*, p. 3. Similarly, claims 30-51 were rejected on the same grounds in view of claims 1-17 and claim 1 of U.S. Patent Nos. 6,098,843 and 6,269,975, respectively, and claims 41-43 were also rejected on the same grounds in view of claims 1-3 of U.S. Patent No. 6,269,975. *Office Action*, p. 3. Applicants have cancelled claims 42-43 thereby obviating the rejection of these claims. In addition, Applicants respectfully submit that the double-patenting rejections of claims 4-41 and 44-51 have also been obviated under 37 C.F.R. § 1.321(c) by the enclosed terminal disclaimer. Accordingly, Applicants respectfully request withdrawal of the double-patenting rejections of claims 4-41 and 44-51.

In view of the foregoing remarks, Applicants respectfully submit that claims 4-41 and 44-51 are in condition for allowance. Accordingly, Applicants respectfully request withdrawal of the rejections to the claims and that the application be promptly passed to issue.

Respectfully submitted,



David A. Hey
Registration No. 32,351
Attorney for Applicants
Date: October 31, 2006

Correspondence Information
Customer Number: 20411
Phone 908-771-6385
Fax: 908-771-6159